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Attorneys for Plaintiff  
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

|                           |      |                              |
|---------------------------|------|------------------------------|
| UNITED STATES OF AMERICA, | )    | CR. NO. 04-00243 DAE         |
|                           | )    |                              |
| Plaintiff,                | )    |                              |
|                           | )    | STIPULATION CONTINUING       |
| vs.                       | )    | TRIAL AND EXCLUDING TIME;    |
|                           | )    | ORDER                        |
| MICHAEL FURUKAWA,         | (01) | )                            |
| WESLEY UEMURA,            | (02) | )                            |
| DENNIS HIROKAWA,          | (03) | ) [Old Trial Date: 04/11/06] |
| RICHARD OKADA,            | (04) | ) [New Trial Date: 9/19/06]  |
|                           | )    |                              |
| Defendants.               | )    |                              |
|                           | )    |                              |

STIPULATION CONTINUING TRIAL AND EXCLUDING TIME

IT IS HEREBY STIPULATED, by and between the parties, that the trial of this matter be continued from April 11, 2006 to September 19, 2006, before United States District Judge David A. Ezra. Any further defense motions, if any, shall be due on July 24, 2006, and the government's responses shall be due on August 7, 2006. A final pretrial conference shall be held on August 21, 2006, at 10:00 a.m., before the presiding United States Magistrate Judge.

IT IS FURTHER STIPULATED that the time from April 11, 2006, up to and including September 19, 2006, shall be and is deemed excludable time within the meaning of the Speedy Trial Act, 18 U.S.C. §§ 3161 et seq., on the grounds that the ends of justice served by granting this continuance outweigh the best interest of the public and defendants in a speedy trial. This continuance is sought at the request of all parties, who need additional time to review discovery and prepare for trial. The superseding indictment alleges that the defendants conspired to commit mail fraud over a period of years, and that they engaged in multiple fraudulent transactions involving the award of repair contracts at the Honolulu International Airport. The parties are presently reviewing voluminous documentary evidence, and counsel for defendant Michael Furukawa has retained an expert to give opinions concerning the value of repairs performed by the

defendants. Counsel for defendant Furukawa believes the analysis may be helpful to all defendants, and that he needs additional time to consult with the expert and develop potential defenses in the case.

In view of the foregoing, the parties stipulate that they cannot be ready to proceed to trial on April 11, 2006, the presently scheduled date. The parties agree that the first date by which they can all be available and ready for trial is September 19, 2006. The parties thus stipulate, and ask this court to find, that a failure to grant the requested continuance would deny defendants and the government continuity of counsel, and would deny counsel for the defendants and the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also note that the court has previously found that the case is unusual and complex, such that it is unreasonable to expect adequate preparation for pretrial proceedings and the trial itself with the time limits established by the Speedy Trial Act. 18 U.S.C. § 3161 (h)(8)(B)(ii).

The parties ask that the court's approval of this stipulation be deemed a finding of excludable time for the reasons stated.

DATED: March 29, 2006 at Honolulu, Hawaii.

/s/ Howard K. K. Luke  
HOWARD K. K. LUKE, ESQ.  
Attorney for Defendant  
Michael Furukawa

/s/ Clifford Hunt  
CLIFFORD HUNT, ESQ.  
Attorney for Defendant  
Wesley Uemura

/s/ Keith Shigetomi  
KEITH SHIGETOMI, ESQ.  
Attorney for Defendant  
Dennis Hirokawa

/s/ Dana Ishibashi  
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Attorney for Defendant  
Richard Okada

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By /s/ Lawrence L. Tong  
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LAWRENCE A. GOYA  
Special Assistant U.S. Attorney  
Attorneys for Plaintiff  
United States of America

**APPROVED AND SO ORDERED:**

DATED: Honolulu, Hawaii, March 30, 2006.



  
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David Alan Ezra  
United States District Judge

United States v. Furukawa, et. al.

Cr. No. 04-00243 DAE

Stipulation Continuing Trial And Excluding Time; Order